

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

031786-019

U.S. APPLICATION N. (If known, see 37 C.F.R. 1.5)

INTERNATIONAL APPLICATION NO.  
PCT/US97/23032INTERNATIONAL FILING DATE  
05 December 1997

PRIORITY DATE CLAIMED

## TITLE OF INVENTION

AN OVER-EXPRESSING HOMOLOGOUS ANTIGEN VACCINE AND A METHOD OF MAKING THE SAME

## APPLICANT(S) FOR DO/EO/US

Stephen M. BOYLE; Silvio CRAVERO; Lynette CORBEIL; Gerhardt SCHURIG; Nammalwar SRIRNAGANATHAN and  
Ramesh VEMULAPALLI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☒ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

JC922 U.S. PTO  
09/692623

10/20/00

DOCKETED  
filed 6/7/98  
L.F.

17. ☒ The following fees are submitted:

CALCULATIONS

PTO USE ONLY

**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO ..... \$930

International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$720.00

No international preliminary examination fee paid to USPTO (37 CFR 1.482)  
but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$790.00Neither international preliminary examination fee (37 CFR 1.482) nor  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$1070.00International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(2)-(4) ..... \$98.00**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$ 790.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

Claims	Number Filed	Number Extra	Rate		
Total Claims	30 -20 =	10	X\$22.00	\$ 220.00	
Independent Claims	6 -3 =	3	X\$82.00	\$ 246.00	
Multiple dependent claim(s) (if applicable)			+ \$270.00	\$ N/A	

**TOTAL OF ABOVE CALCULATIONS =**

\$466.00

Reduction for 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be  
filed. (Note 37 CFR 1.9, 1.27, 1.28).

\$ N/A

**SUBTOTAL =**

\$466.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ N/A

**TOTAL NATIONAL FEE =**

\$1,256.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied  
by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$ N/A

**TOTAL FEES ENCLOSED =**

\$1,256.00

Amount to be:  
refunded

\$

charged

\$

a. ☒ A check in the amount of \$ 1,256.00 to cover the above fees is enclosed.b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet  
is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit  
Account No. 02-4800. A duplicate copy of this sheet is enclosed.NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be  
filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

SIGNATURE

Kathleen Neuner Manne  
NAME

REGISTRATION NUMBER 40,101

**TRANSMITTAL LETTER TO THE  
UNITED STATES RECEIVING OFFICE**

Date	05 December 1997
International Application No.	NOT YET AVAILABLE
Attorney Docket No.	031786-015

**I. Certification under 37 CFR 1.10 (if applicable)**

Express Mail mailing number
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Date of Deposit
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I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Signature of person mailing correspondence
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Typed or printed name of person mailing correspondence
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**II. ☒ New International Application**

TITLE	AN OVER-EXPRESSING HOMOLOGOUS ANTIGEN VACCINE AND A METHOD OF MAKING THE SAME
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Earliest priority date (Day/Month/Year)
05 DECEMBER 1997

**SCREENING DISCLOSURE INFORMATION:** In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

- A. ☐ The invention disclosed was not made in the United States.
- B. ☒ There is no prior U.S. application relating to this invention.
- C. ☐ The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority.)

application no.		filed on	
application no.		filed on	

- D. ☐ The present international application ☐ is identical to ☐ contains less subject matter than that found in the prior U.S. application(s) identified in paragraph 3 above.
- E. ☐ The present international application ☐ contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C above. The additional subject matter is found on pages | \_\_\_\_\_ and ☐ DOES NOT ALTER ☐ MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15.

**III. ☐ A Response to an Invitation from the RO/US. The following document(s) is(are) enclosed:**

- A. ☐ A Request for An Extension of Time to File a Response
- B. ☐ A Power of Attorney (General or Regular)
- C. ☐ Replacement pages:

pages		of the request (PCT/RO/101)	pages		of the figures
pages		of the description	pages		of the abstract
pages		of the claims			


- D. ☐ Submission of Priority Documents

Priority document		Priority document	
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- E. ☐ Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex.

	<b>IV.</b> <input type="checkbox"/> A Request for Rectification under PCT Rule 91	<input type="checkbox"/> A Petition	<input type="checkbox"/> A Sequence Listing Diskette
	<b>V.</b> <input type="checkbox"/> Other (please specify):		

The person signing this form is the:	<input type="checkbox"/> <b>Applicant</b>	
	<input checked="" type="checkbox"/> <b>Attorney/Agent (Reg. No.)</b> 40,101	<b>Typed name of signer</b>
	<input type="checkbox"/> <b>Common Representative</b>	Kathleen Neuner Manne
		 <b>Signature</b>

10/20/00  
JC535 U.S. PTO

A

Patent  
Attorney's Docket No. 031786-046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

JC922 U.S. PTO  
09/692623  
10/20/00

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/091,521 filed on June 19, 1998, for AN OVER-EXPRESSING HOMOLOGOUS ANTIGEN VACCINE AND A METHOD OF MAKING THE SAME, by the following named inventor(s):

- (a) Full Name Stephen M. Boyle
- (b) Full Name Silvio Cravero
- (c) Full Name Lynette Corbeil
- (d) Full Name Gerhardt Schurig
- (e) Full Name Nammalwar Sriraganathan
- (f) Full Name Ramesh Vemulapalli

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.



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- (a) Full Name \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

1. ☒ Enclosed is a copy of the prior Application No. 09/091,521 as originally filed on June 19, 1998, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☒ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	10	MINUS 20 =	0	× \$18.00 (103) =	0
Independent Claims	1	MINUS 3 =	0	× \$80.00 (102) =	0
If multiple dependent claims are presented, add \$270.00 (104)					
Total Application Fee					
If small entity status is claimed, subtract 50% of Total Application Fee					355.00
Add Assignment Recording Fee of if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					355.00

5. ☒ Charge \$ 355.00 to Deposit Account No. 02-4800 for the fee due.
6. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☐ Cancel in this application original claims \_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

9. ☒ Amend the specification by inserting before the first line the sentence: This application is a ☐ continuation, ☒ divisional, of Application No. 09/091,521, filed June 19, 1998, which is a national stage application of PCT/US97/23032 filed December 5, 1997.

10. ☐ New drawings are enclosed.

11. ☐ Priority of Application No.      filed on      in      (country) is claimed under 35 U.S.C. § 119.

☐ The certified copy of the priority application

☐ is enclosed

☐ was filed on      in prior Application No.     , filed on     , and acknowledged by the Examiner on      in Paper No.     

☐ has not yet been filed.

12. ☒ A preliminary amendment is enclosed.

13. ☒ An Information Disclosure Statement is enclosed.

14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

15. ☒ Also enclosed Copies of Verified Small Entity Declarations filed in the parent application, 09/091,521.

16. ☒ The power of attorney in the prior application is to Brian P. O'Shaughnessy, Reg. No. 32,747 and Kathleen Neuner Manne, Reg. No. 40,101.

a. ☒ The power appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☐ Recognize as Associate Attorney     .

d. ☐ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Brian P. O'Shaughnessy  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: October 20, 2000

By: 

Kathleen Neuner Manne  
Registration No. 40,101

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)